

**In the United States District Court
For the Southern District of Texas
Houston Division**

BISHARA DENTAL PLLC

Plaintiff

vs.

MORRIS, LENDAIS,

HOLLRAH & SNOWDEN PLLC

Defendant

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CIVIL ACTION NO. _____

Defendant's Notice of Removal

Defendant Morris, Lendais, Hollrah & Snowden PLLC ("MLHS") files this notice of removal under 28 U.S.C. §1446(a).

Introduction

1. Plaintiff is Bishara Dental PLLC ("Bishara Dental"). Defendant is Morris, Lendais, Hollrah & Snowden PLLC.

2. On December 19, 2019, Bishara Dental sued MLHS in the County Court at Law No. Two of Harris County alleging causes of action against MLHS for violations of the Federal Fair Debt Collection Practices Act (15 U.S.C. §1692), the Texas Deceptive Trade Practices Act (Tex. Bus. & Com. Code Chapter 17), the Texas Debt Collection Act (Tex. Fin. Code Chapter 392), "Duty of Candor to the Tribune," fraud, abuse of process, malicious prosecution and economic duress.¹

3. MLHS was served with the suit on August 7, 2020 or August 8, 2020. MLHS files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b)(1). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

¹*Bishara Dental PLLC vs. Morris, Lendais, Hollrah & Snowden, PLLC*; Cause No. 1147514 in the County Court at Law No. 2 of Harris County, Texas.

Basis for Removal

4. Removal is proper because Bishara Dental's suit involves a claim under the Federal Fair Debt Collection Practices Act (15 U.S.C. §1692) and thus involves a federal question. 28 U.S.C. §§1331, 1441(a); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005); *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2nd Cir. 2005); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996).

5. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

6. MLHS will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

7. Pursuant to 28 U.S.C. §1446(a) and Local Rule 81, the following documents are attached herewith:

Exhibit A: An index of matters being filed.

Exhibit B: True and correct copies of all pleadings asserting causes of action.

Exhibit C: All orders signed by the State Judge.

Exhibit D: All executed process in the case.

Exhibit E: The docket sheet from the state court action.

Exhibit F: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

8. Contemporaneously with the filing of this Notice of Removal, MLHS is providing written notice of removal to all parties with proof of service of same. A copy of this Notice of Removal is being filed with the County Court at Law #2 of Harris County, Texas, in which this case was originally filed.

Jury Demanded in State-Court Suit

9. Bishara Dental has filed a request for a jury trial in the state-court suit.

Prayer

For these reasons, MLHS asks the Court to remove the suit to the United States District Court for the Southern District of Texas, Houston Division and that it have such other relief as is just.

Respectfully submitted,

/s/ James D. Salyer

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Certificate of Service

The undersigned hereby certifies that on September 2, 2020, a true and correct copy of the foregoing was served on the following parties as indicated:

Via Email and Certified Mail, Return Receipt Requested

Mary Bishara
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Houston, Texas 77057
marybishara16@protonmail.com
mbishara@uh.edu
mbish10@gmail.com

/s/ James D. Salyer

James D. Salyer